

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

Deborah S. Hunt  
Clerk

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Filed: February 05, 2021

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Mr. Jarris Jarrod Smith  
F.C.I. Jesup  
2680 Highway 301, S.  
Jesup, GA 31599

Re: Case No. 20-1852, *USA v. Jarris Smith*  
Originating Case No.: 2:10-cr-20566-1

Dear Mr. Smith and Counsel,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Roy G. Ford  
Case Manager  
Direct Dial No. 513-564-7016

cc: Ms. Kinikia D. Essix

Enclosure

No. 20-1852

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**

Feb 05, 2021

DEBORAH S. HUNT, Clerk

UNITED STATES OF AMERICA,

)

Plaintiff-Appellee,

)

v.

)

JARRIS JARROD SMITH,

)

Defendant-Appellant.

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Before: SILER, CLAY, and THAPAR, Circuit Judges.

On August 3, 2020, the district court entered an order denying Jarris Jarrod Smith's motion for compassionate release or a reduction of his sentence under 18 U.S.C. § 3582(c)(1)(A). The time for filing a notice of appeal as to that order expired on August 17, 2020. *See* Fed. R. App. P. 4(b)(1)(A). Smith's notice of appeal is dated August 14, 2020, but it was received in the prison mailroom on August 20, 2020. It was filed in the district court on August 24, 2020. The government filed a motion to dismiss the appeal based on Smith's failure to comply with the time limitations of Federal Rule of Appellate Procedure 4(b).

By an earlier order, we deferred ruling on the government's motion to dismiss and remanded for the district court to determine whether Smith's untimely filing was due to excusable neglect or good cause. On remand, the district court found that Smith had shown good cause for not filing his notice of appeal until August 24. Accordingly, the district court extended the period during which Smith could appeal the August 3 order to August 24, 2020.

No. 20-1852

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It is ordered that the government's motion to dismiss the appeal for failure to comply with the time limitations of Rule 4(b) is **DENIED**.

ENTERED BY ORDER OF THE COURT



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Deborah S. Hunt, Clerk